

REMARKS

In the final Office Action mailed on May 12, 2005, claims 1-3, 8 10, 12-15, 23-25 and 28 have been rejected under 35 U.S.C. 103(a) as obvious over US Patent No. 5,758,465 to Logue (“the ‘465 patent”) in view of US Patent No. 6,205,730 to Hasan et al. (“the ‘730 patent”). Several of these claims have been cancelled or amended to more clearly reflect embodiments of the present invention. As amended, the remaining claims recite elements not disclosed or suggested by the ‘465 or ‘730 patents, either alone or in combination. For these reasons, the obviousness rejection is traversed and it is submitted that remaining claims as amended are allowable.

Claim 1, as amended, requires (among other elements) at least four anti-rotation elements on the mounting portion generally planar top surface spaced apart from the hole and spaced apart from the perimeter edge of the mounting portion generally planar top surface. Neither of the cited references discloses this element. The ‘465 patent fails to disclose anti-rotation elements, and the ‘730 patent discloses only two dimples 42. Further, the dimples 42 of the ‘730 patent do not meet the structural limitations required by claim 1.

Claim 1 additionally requires (among other elements) that the at least four anti-rotation elements be configured for engaging the substrate that the rod hanger is attached to with the fastener, and for counteracting a moment acting upon the rod hanger as the rod is being threadably received by the rod receiving portion. The ‘730 patent’s dimples 42 are not configured to counteract a moment acting upon a rod hanger as a rod is threadably received by a rod receiving portion as is required by claim 1. Instead, the

'730 patent teaches that its dimples 42 "lightly grip the roofing membrane". The '730 patent, col. 4, line 59. Also, the dimples 42 of the '730 patent are not configured for engaging a substrate that a rod hanger is attached to with a fastener, as required by claim 1, but instead are configured for "lightly gripping" a roofing membrane 18 that is sandwiched between the roofing plate 10 and a roof. See the '730 patent, FIG. 3; column 4, lines 58-65.

It is further submitted that there is no motivation for combining the teachings of the '465 patent (disclosing a fastener clip) and the dimples 42 from the roofing plate of the '730 patent. The '730 patent's roofing plate is taught to secure a roofing membrane to a roof without its dimples 42 puncturing it, and as such it is not related to the teaching of the '465 patent or to the claimed rod hanger. The '730 patent, Abstract; col. 4, lines 58-60. One knowledgeable in the art of rod hangers would not look to the unrelated art of roofing plates for instruction.

All remaining pending claims depend from claim 1 and are therefore allowable over the reference for the same reasons as are that claim. Claims 26, 27 and 29 stand rejected as being obvious over the '465 patent in view of US Patent No. 4,543,763 ("the '763 patent"). Claim 26 depends from claim 1 and is therefore allowable for the same reasons as are that claim. Claims 27 and 29 have been cancelled, rendering the rejection moot. It is submitted that no motivation exists to combine the teachings of the '763 patent with the teachings of any other reference cited, since the '763 patent is directed to a masonry anchor and is unrelated to the present invention. The '763 patent,

Abstract, FIG. 1. One skilled in the art of rod hangers would not look to the unrelated art of the '763 patent (masonry anchors) for teachings.

Further, even assuming arguendo that the masonry anchor of the '763 patent was from a related art, the structure disclosed does not meet the limitations of the claimed invention. For example, the projections 22 of the '763 patent are not spaced apart from a mounting portion perimeter edge as is required by claim 1. See, the '763 patent, FIG. 1. Also, the projections 22 of the '763 patent are not configured to counteract a moment acting upon the rod hanger as a rod is being threadably received by a rod receiving portion as is required by the claims.

New claim 30 has been presented for consideration and is sincerely believed to be allowable. Claim 30 requires that the at least four anti-rotation elements are configured for penetrating the substrate. Support for this can be found in the Specification and FIGS., including, for example, FIG. 1. This claimed structure is not disclosed or suggested by the '730 patent, which instead teaches that dimples 42 "...have rounded tips so that the dimples may lightly grip the roofing membrane 18 without puncturing it." The 730 patent, col. 4, lines 58-60.

It is submitted that all of the claims in their current form are allowable over the cited prior art. Timely examination and allowance is respectfully requested. Should the Examiner discover there are remaining issues which may be resolved by a telephone interview, he is invited to contact Applicant's undersigned attorney at the telephone number listed below, or Lisa Soltis, Applicant's primary attorney, at (847) 657-7980. All

correspondence should continue to be directed to Ms. Soltis at the correspondence address of record.

Respectfully submitted,

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